



**Cumberland Council**  
**Cumbria House**  
**107-117 Botchergate**  
**Carlisle**  
**Cumbria CA1 1RD**  
**Telephone 0300 373 3730**  
**[cumberland.gov.uk](http://cumberland.gov.uk)**

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73.

**NOTICE OF GRANT OF PLANNING PERMISSION**

Alpha Design  
7 Europe Way  
Cockermouth  
CA13 0RJ  
FAO: Mr Glen Beattie

**APPLICATION No: 4/24/2382/0B1**

**VARIATION OF CONDITION 2 (PLANS) TO REFLECT REVISED DWELLING  
DESIGNS OF PLANNING APPLICATION 4/23/2088/0F1 PROPOSED  
RESIDENTIAL DEVELOPMENT FOR 23 DWELLINGS INCLUDING ASSOCIATED  
INFRASTRUCTURE & LANDSCAPING  
LAND AT HARRAS ROAD, HARRAS PARK, WHITEHAVEN**

**John Swift Homes Ltd**

The above application dated 11/11/2024 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

1. -
2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

Application form, received 24th March 2023;  
Location Plan, scale 1:2500, drawing number 18/03/926-01b) received 24th March 2023;  
Dwelling Type Schedule, reference 20/10/983-DS, received 24th March 2023;  
Dwelling Type A Plans and Elevations, scale 1:100, drawing number

18/03/926 126, received 11<sup>th</sup> November 2024;  
Dwelling Type B Plans and Elevations, scale 1:100, drawing number 18/03/926 127, received 11<sup>th</sup> November 2024;  
Dwelling Type C Plans and Elevations, scale 1:100, drawing number 18/03/926 128, received 11<sup>th</sup> November 2024;  
Dwelling Type D Plans and Elevations, scale 1:100, drawing number 18/03/926 129, received 11<sup>th</sup> November 2024;  
Dwelling Type E Plans and Elevations, scale 1:100, drawing number 18/03/926 130, received 11<sup>th</sup> November 2024;  
Dwelling Types F and G Plans and Elevations, scale 1:100, drawing number 18/03/926-14a), received 24th March 2023;  
External Material Schedule (23 dwellings), reference 18/03/926-EMS1, received 19<sup>th</sup> November 2024;  
Site Section, scale 1:500, drawing number 18/03/926-07b), received 11<sup>th</sup> November 2024;  
Site Location Plan – Enlarged, scale 1:500, drawing number 18/03/926-17, received 3rd July 2023;  
Landscape Layout, scale 1:500, drawing number M3450-PA-07-V05 received 11<sup>th</sup> November 2024;  
Access Appraisal, reference 784-B028221 Revision, received 24th March 2023; Ecological Appraisal, dated March 2022, written by Whistling Beetle Ecological Consultants Limited, received 24th March 2023;  
Flood Risk Assessment and Drainage Strategy, reference K39108.FRA/001, received 24th March 2023;  
Operation and Maintenance Plan for Sustainable Drainage Systems, reference K39108.OM/002, received 24th March 2023;  
Design and Access Statement, received 20th April 2023;  
Landscape and Visual Appraisal, reference M3450-LVA-22.06-V3, received 24th March 2023;  
Street Scene, scale 1:500, drawing number 18/03/926-15b), received 11<sup>th</sup> November 2024;  
Trip Generation Letter, written by Tetra Tech, reference 784-B028221, received 29th April 2023;  
Dwelling Type Schedule, document reference 20-10-983-DS/1, received 11<sup>th</sup> November 2024;  
Downstream defender, drawing number 23-026-238, received 16th May 2024;  
Drainage details, sheet 1, drawing number 23-026-230, received 16th May 2024; Drainage details, sheet 2, drawing number 23-026-231, received 16th May 2024; Highways details, drawing number 23-026-260, received 16th May 2024; Hydrobrake details Manhole S15, drawing number 23-026-237, received 16th May 2024;  
Phase 1 engineering layout, scale 1:500, drawing number 23-026-201, received 16th May 2024;  
Phase 1 roads and sewers sections, scales 1:500 and 1:100, drawing number 23026-243, received 16th May 2024;  
Phase 1 surfaces and kerbs, scale 1:500, drawing number 23-026-211, received 16th May 2024;  
Section 278 agreement plan, scale 1:500, drawing number 23-026-101,

received 3rd June 2024;  
Section 278 construction details, drawing number 23-026-103, received 16th May 2024;  
Section 278 general arrangement, drawing number 23-026-102, received 3rd June 2024;  
SuDS Maintenance and Management Schedule, written by Beckwith and Hanlon, received 16th May 2024;  
Surface water model output, written by Beckwith and Hanlon, received 16th May 2024;  
Construction Compound Plan, received 21st May 2024;  
Construction Environmental Management Plan, drawing number CEMP, received 21st May 2024;  
Construction Traffic Management Plan, drawing number CTMP, received 21st May 2024.

#### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The carriageway, footways, footpaths and cycleways must be constructed, drained and lit in accordance with the following documents for the lifetime of the development:
  - Highways details, drawing number 23-026-260, received 16th May 2024;
  - Phase 1 engineering layout, scale 1:500, drawing number 23-026-201, received 16th May 2024;
  - Phase 1 roads and sewers sections, scales 1:500 and 1:100, drawing number 23-026-243, received 16th May 2024;
  - Phase 1 surfaces and kerbs, scale 1:500, drawing number 23-026-211, received 16th May 2024;
  - Section 278 agreement plan, scale 1:500, drawing number 23-026-101, received 3rd June 2024;
  - Section 278 construction details, drawing number 23-026-103, received 16th May 2024;
  - Section 278 general arrangement, drawing number 23-026-102, received 3rd June 2024.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan.

4. Visibility splays must be retained as shown on Drawing 784-B028221-TTE-00-XX\_DR-O-C001-P0 at the junction of the access roads with the county

highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind will be erected, parked or placed and no trees, bushes or other plants will be planted or be permitted to grown within the visibility splay which obstruct the visibility splays.

**Reason**

In the interests of highway safety and in accordance with Policy CO4 of the Copeland Local Plan.

5. Development must be carried out in accordance with the Construction Traffic Management Plan, drawing number CTMP, received 21st May 2024 at all times.

**Reason**

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. In accordance with Policy CO4 of the Copeland Local Plan.

6. The development must be completed, maintained and managed in accordance with the approved plans below:
  - Downstream defender, drawing number 23-026-238, received 16th May 2024;
  - Drainage details, sheet 1, drawing number 23-026-230, received 16th May 2024;
  - Drainage details, sheet 2, drawing number 23-026-231, received 16th May 2024;
  - Hydrobrake details Manhole S15, drawing number 23-026-237, received 16th May 2024;
  - SuDS Maintenance and Management Schedule, written by Beckwith and Hanlon, received 16th May 2024;
  - Surface water model output, written by Beckwith and Hanlon, received 16th May 2024.

**Reason**

To promote sustainable development, secure proper drainage and to manage the risk of flooding in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

7. During the construction period, the site must be drained in accordance with the following documents:

- Downstream defender, drawing number 23-026-238, received 16th May 2024;
- Drainage details, sheet 1, drawing number 23-026-230, received 16th May 2024;
- Drainage details, sheet 2, drawing number 23-026-231, received 16th May 2024;
- Hydrobrake details Manhole S15, drawing number 23-026-237, received 16th May 2024;
- SuDS Maintenance and Management Schedule, written by Beckwith and Hanlon, received 16th May 2024;
- Surface water model output, written by Beckwith and Hanlon, received 16th May 2024.

#### Reason

To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems and in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

8. Development must be undertaken in accordance with the Construction Environmental Management Plan, drawing number CEMP, received 21st May 2024 at all times.

#### Reason

In the interests of the amenities of surrounding occupiers during the construction in accordance with Policy DS4 of the Copeland Local Plan.

9. -

10. -

11. The external finishes of the development hereby permitted must be in accordance with the External Material Schedule, reference 18/03/926-EMS-1, received 19<sup>th</sup> November 2024.

#### Reason

To ensure a satisfactory appearance of the development in the interests of visual amenity and in accordance with Policy DS4 of the Copeland Local Plan.

12. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. A suitable investigation and risk assessment will then be agreed upon by the Council and the developer and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors. In accordance with Policy DS8 of the Copeland Local Plan.

13. All hard and soft landscape works must be carried out in accordance with the details illustrated on the Landscape Layout Plan, drawing number M3450-PA01-V08, received 3rd July 2023, prepared by Barnes Walker. The works must be carried out in the first planting season following the completion of the development. Any trees / shrubs which are removed, die, become severely damaged or diseased within five years of their planting must be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.

#### Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the provisions of Policy DS5 of the Copeland Local Plan 2013-2028.

### Informative Notes

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
2. For the avoidance of doubt, the Traffic calming measures will require suitable lighting and signing and should be detailed in a suitably worded legal agreement with the Local Highway Authority. This agreement will include technical details and a commuted sum.

## Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant a variation of condition in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Please read the accompanying notice

A handwritten signature in black ink, appearing to read 'N. J. Hayhurst'.

Nick Hayhurst  
Head of Planning and Place  
Inclusive Growth and Placemaking

17th January 2025

**APPROVALS  
(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015**

**PART 2**

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.